

Department of Corrections

Agency Overview

June 2011

For the Law and Justice Interim Committee

Department Head: Director Mike Ferriter (appointed by governor)

Description and Responsibilities:

- Develop and maintain comprehensive adult and youth correctional services
- Care, protection, and mental and physical development of youth alleged to be youth in need of supervision or delinquent youth referred or committed to the department
- Secure custody (adult and youth)
- Correctional drug/alcohol treatment for offenders
- Community correctional programs
- Adult probation and parole
- Youth parole
- Victim services

Programs, FTE, and Funding for FY 2012-2013:

Programs	FY 2013 FTE	General Fund	State Other	Proprietary	Federal	Total ALL	Percent of total DOC Funds
Secure Custody Facilities	698.00	\$ 150,442,246	\$ 1,043,939		\$ 18,346	\$ 151,504,531	40.2%
Adult Community Corrections	258.00	\$ 120,467,579	\$ 2,532,254			\$ 122,999,833	32.6%
Youth Services	202.85	\$ 36,334,797	\$ 1,704,970		\$ 23,398	\$ 38,063,165	10.1%
Administrative and Financial	105.00	\$ 31,908,611	\$ 1,017,574	\$ 194,818		\$ 33,121,003	8.8%
Correctional Enterprises	82.00	\$ 1,585,781	\$ 3,989,349	\$ 25,510,409		\$ 31,085,539	8.3%
	1,345.90	\$ 340,739,014	\$ 10,288,086	\$ 25,705,227	\$ 41,744	\$ 376,774,071	100.0%

Agency's GF as a percentage
of state's total GF budget 9%

Source: Legislative Fiscal Division

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Administratively Attached Entities:

- Board of Pardons and Parole (section 2-15-2302, MCA)
- State council for interstate adult offender supervision (section 46-23-1115, MCA, Art. IV)

Legislative Audits:

- Financial compliance, Sept. 2010
- Contract management, Feb. 2010
- Chemical dependency and sex offender treatment programs, Nov. 2007
- Use of electronic supervision technologies, Dec. 2006
- Juvenile delinquency intervention, Dec. 2005

Agency Bills Passed During 2011 Session:

- Revise make up, operation, procedures of the Board of Pardons and Parole - HB 141 (Peterson)
- Revise contracting authority for community corrections programs - SB 72 (Gillan)

Non-Agency Bills During 2011 Session:

- Revise parole for those in custody of DPHHS and in state facility - SB 76 (Jent) - PASSED
- Increase sexual assault penalty for second and subsequent offenses - SB 152 (Brown) - PASSED

Law and Justice Interim Committee Areas of Interest:

- DUI laws, 2009-2010 interim
- Correctional mental health services for adults and juveniles, 2007-2008 interim
- Drug offender prison population, 2007-2008 interim

Hot Topics of 2011 Session:

- DUI laws
- Death penalty
- Prison population growth and incarceration rates
- Sex offenders

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Montana Board of Pardons & Parole

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Overview

On behalf of the Board members and Board staff as well as the people of the State of Montana, I welcome you to the Board of Pardons and Parole website. The site is designed to provide valuable, easy-to-use information and to respond to questions about the Board and the critical work it does.

Parole and Executive Clemency are *privileges, not rights*, earned by prisoners or individuals convicted of crimes. The Board's primary responsibility in making decisions is *public safety*. The law states the board *may* release any person committed to prison when the Board believes the person is able and willing to fulfill the obligations of a law-abiding citizen and when the Board believes the prisoner can be released without detriment to the prisoner or to the community.

During the past five years, the Board has released 2,952 offenders to parole supervision, including a record 635 in 2006. In that same time, 687 paroled offenders have successfully completed their sentences in the community. The Board has historically approved parole for nearly six out of every 10 offenders that have appeared before them requesting release.

The Board, as part of the criminal justice system, is doing its part by following the appropriate laws, releasing deserving offenders to community placements, and keeping undeserving or dangerous prisoners incarcerated. The Board also promptly returns to custody offenders not willing to abide by the conditions of their release.

Julie Thomas

Acting Executive Director

Current Parole Board Members

Name	Occupation	Appointed	Expires
John Rex	CD Program Manager	1/1/2011	1/1/2015
Margaret Bowman	Businesswoman	1/1/2010	1/1/2014
Mike McKee - Chair	Consultant	1/1/2011	1/1/2015
John Ward	Businessman	3/10/2009	1/1/2013
Teresa O'Connor	Attorney	3/10/2009	1/1/2013
Darryl Dupuis	Retired	1/1/2010	1/1/2014
Sam Lemaich	Retired	3/10/2009	1/1/2013

All members must have training in American Indian culture and problems.

Members serve until such time as they are replaced or reappointed.

Board Members Re-Appointed and Appointed

Parole Board member Teresa McCann O'Connor was re-appointed to a 4 year term by Governor Schweitzer in March, 2009. Ms. O'Connor is an attorney in private practice with her husband in Billings. She has served on the Board since 2005. She has been a deputy county attorney for Yellowstone County, and was staff counsel for the American Library Association in Washington, DC.

Governor Schweitzer also appointed Helena businessman John Ward to the Board. He will begin serving a 4 year term as one of the auxiliary members. Mr. Ward served in the U.S. Navy and Naval Reserve and spent 11 years in military justice enforcement. Mr. Ward has a degree in Business Administration from Gonzaga University.

Additionally, Governor Schweitzer appointed Sam Lemaich to a four year auxiliary term to the Board in

March, 2009. Mr. Lemaich recently retired from his position with the Dept. of Corrections as Regional Administrator of the Missoula District. He has a psychology degree from the University of California-Davis. He has over 30 years of experience in corrections.

Mike McKee was re-appointed as chairman of the Board in January 2011. Mr. McKee is a consultant with prior experience on the Board, having served a term in early 2000. He has a degree in Criminal Justice from the University of Montana.

Board member John Rex was also re-appointed by Governor Schweitzer in January 2011. Mr. Rex is a Chemical Dependency Program Manager from Miles City.

Staff

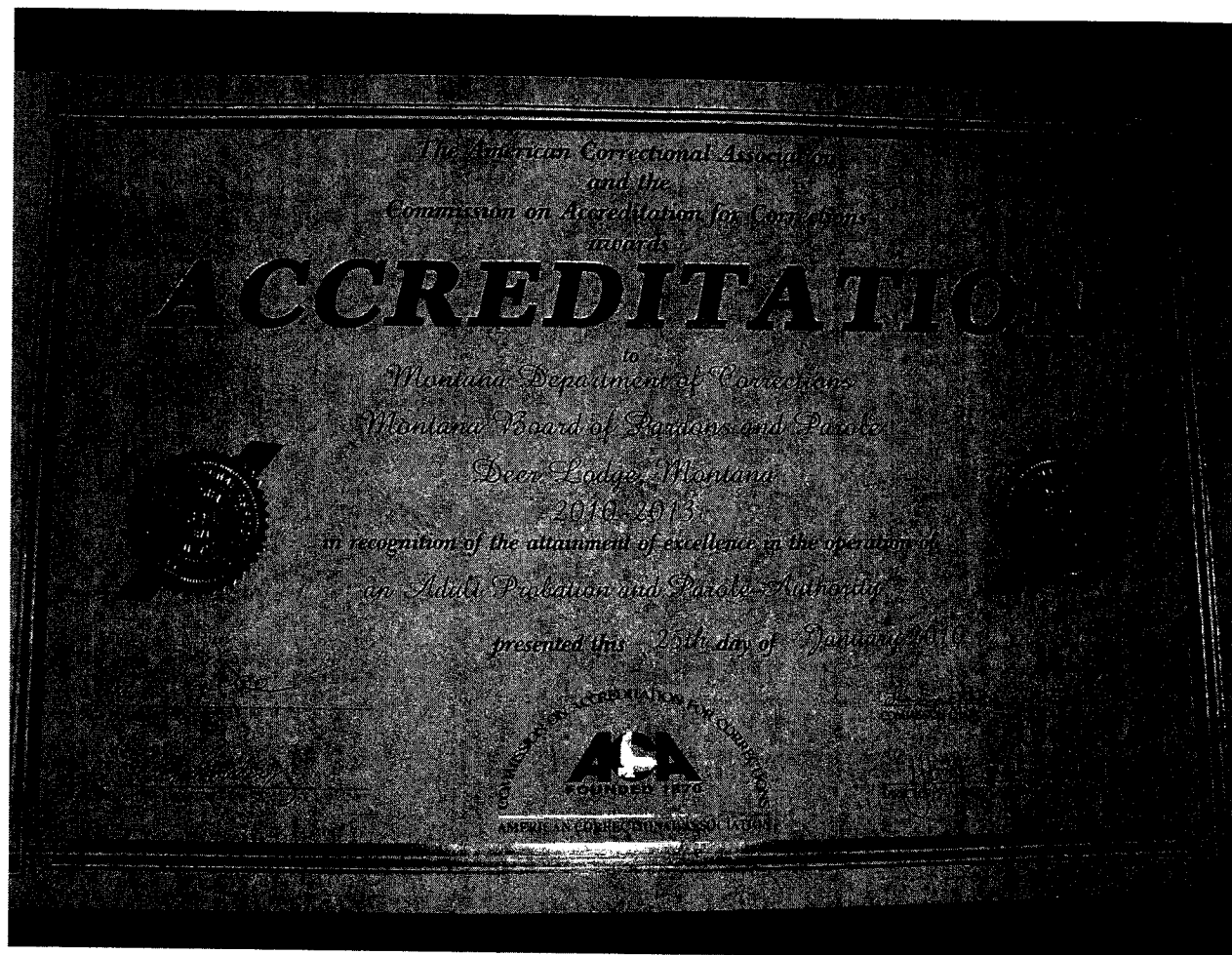
Name	Position	Years of Experience
Julie Thomas	Senior Parole Board Analyst	19
Fern Osler	Parole Board Analyst	18
Brian Callarman	Parole Board Analyst	6
Christine Slaughter	Parole Board Analyst	5
Timothy Allred	Parole Board Analyst	5
Cathy Leaver	Administrative Specialist	25
Lisa Wirth	Administrative Assistant	9
Michelle Oliver	Filing Secretary	11
Dotsie Lucier	Receptionist	9


The Montana Board of Pardons and Parole addredited by the American Correctional Association

The Montana Board was first accredited by the ACA on January 22, 2001. At that time, there were only three other Parole Boards with this distinction in the nation. The original certificate encompassed three years, at which time the Board was required to renew it's request for continued accreditation. The Montana Board was re-accredited in January 2004 and in January 2007.

We are proud to say the Montana Board of Pardons and Parole has been re-accredited for the years 2011-2014. The process of having your peers evaluate what you are doing within the field and then having them find your work is outstanding by definition of the Accreditation Standards is rewarding. The Board wishes to thank all staff for their hard work in making this happen. Ultimately, it is the citizens of the State of Montana that benefit by knowing the Parole process in Montana is working well. The new report on accreditation is available below.

In presenting the award, Lannette Linthicum, Chairperson of the Commission on Accreditation for Corrections, and Harold Clark, President of the American Correctional Association, compliment the facility on their professional level of operation and their success in completing the accreditation process. A copy of the letter, as well as the full report, is attached below.



Montana Board of Pardons and Parole Accreditation Letter and Report 2010 

Parole

Parole is the release of an inmate into the community prior to the completion of sentence, subject to the orders of the Board of Pardons and Parole and the supervision of the Department of Corrections. The Parole Board is an independent agency and exercises its quasi-judicial and policy-making functions without the approval or control of the Department of Corrections. The Board acts somewhat like a Judge when making parole decisions and generally does so without review. The primary concern of the Board is the protection of the public. It is also important to note the Board members are not state employees, but are appointed by the Governor and confirmed by the Senate. They do not receive a salary but are reimbursed for expenses.

The purpose of parole is wide-ranging. Most offenders, even those serving life sentences, will have a lawful date for parole eligibility. There must be a way to reintegrate those offenders back into society. Parole is a proven method for the re-entry of incarcerated offenders into society. The need to earn parole motivates offenders to address problems that contributed to their criminal behavior. Parole is the public's last line of defense against the early release of unsuitable serious offenders. The Board of Pardons and Parole takes into account a multitude of factors when each inmate is considered for parole, in an effort to assess and manage risk.

The mission of the correctional policy of the State of Montana is to: a) punish each offender commensurate with the nature and degree of harm caused by the offender; b) protect the public by incarcerating violent offenders and serious repeat offenders; c) provide restitution, reparation, and restoration to the victims' of the offense; and d) encourage and provide opportunities for the offender's self-improvement.

Executive Clemency

The Board is also responsible for Executive Clemency for the State of Montana. This includes both pardon and commutation of sentence. The Board has provided the application on this website for interested parties to print, sign and send in for consideration of clemency. (You must have Adobe Acrobat to obtain form)

Executive Clemency Application

Applications must be in writing, signed by the applicant, and filed with the Executive Director of the Board of Pardons and Parole. Applications may be filed **only** by the person convicted of the crime, by the inmate's attorney acting on the person's behalf and with consent, or by a court-appointed next friend, guardian, or conservator acting on the applicant's behalf. Unless the Board orders otherwise or there has been a substantial change in circumstances, as determined by the Board, a person may not reapply for Executive Clemency.

Budget Information

The Parole Board in Montana is a citizen's board. They are not paid Correctional employees. They volunteer their time and are paid \$75.00 per day for each day they conduct Board business. They also have some expenses reimbursed. The total budget for Board members reimbursement per year is approximately \$40,425.00. The entire budget for the Board of Pardons and Parole is approximately \$748,503.00 for the current fiscal year. This includes the salaries of the 10 employees.

Factors in Parole Decisions: (criteria)

The Board has designated certain factors as important when considering a person for parole. They will determine the following:

1. If the inmate can be released without being a detriment to him/herself or community.
2. If the best interests of society are furthered.
3. If the inmate is able and willing to fulfill the obligations of a law-abiding citizen.
4. If continued correctional treatment would substantially enhance the inmate's capacity to lead a law abiding life.

The Board will not parole an inmate if there is a substantial reason to believe the inmate will engage in further criminal conduct or will not conform to specific conditions of parole.

A. HISTORY

1. Education, training, occupational skills, and employment history.
2. Past use of narcotics or habitual excessive use of alcohol.
3. Circumstances of the offense for which the inmate is serving a sentence.
4. Criminal record, including nature of crimes, how recent, and frequency.
5. Behavior and attitude while previously supervised on probation or parole.

B. PRISON RECORD

1. Attitude toward law and authority.
2. Institutional conduct, including disciplinary reports.
3. Work evaluations and work history.
4. Utilization of treatment opportunities.
5. Utilization of vocational and educational opportunities.
6. Maturity, stability, and behaviors consistent with the general population.
7. Noticeable attitude changes since incarceration.
8. Mental or physical makeup; for instance, physical and emotional status.